

Serial No.:10/657513

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martin Reed Bodley, et al. Examiner: Jack Chiang
Serial No.: 10/657513 Group Art Unit: 2642
Filed: September 8, 2003 Docket No.: 00630.0320-US-D1
Title: HEADSET COMMUNICATION UNIT (Thor)

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this document and the paper(s), as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, P.O. Box 1450, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 28, 2005.

Michele Read
Name

Michele Read
Signature

COMMUNICATION REGARDING UNINITIALED REFERENCE ON FORM 1449

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants are in receipt of an Office Action mailed from the U.S. Patent Office on April 29, 2005 but have not received acknowledgement of all of the Form 1449s submitted with the divisional application on September 8, 2003. Applicants respectfully request the Examiner to indicate for the record consideration of the information furnished therein by initializing the document on the enclosed Form 1449 as part of the Information Disclosure Statement. The Examiner is requested to return a copy of the initialized Form 1449 to Applicants.

This request is being made upon the following facts. On September 8, 2003, Applicants mailed an Information Disclosure Statement and various Form 1449s citing references from parent application serial number 09/813,103. The Office received this material as indicated by the U.S. Patent Office date stamp on the return postcard attached in Appendix A to this paper. Inasmuch as the Information Disclosure

Statement was filed prior to the mailing date of the first Office Action on the merits, the certification made at the time was proper.

While the Examiner has returned most of the initialed Form 1449s with Official Actions mailed December 23, 2004 and April 29, 2005, the reference submitted with one Form 1449 has not been acknowledged.

The absence of the initialed Form 1449 is believed to be an oversight as the Information Disclosure Statement, Form 1449 was submitted in a conforming manner, and the Office acknowledged receipt. Applicants respectfully request the Examiner to indicate consideration of the information furnished therein for the record by initializing the Ericsson Bluetooth Wireless Headset photo for the record.

A copy of the relevant sheets of the Information Disclosure Statement and Form 1449 are enclosed as Appendix B. Applicants are also submitting the copy of the prior art reference as previously submitted with an Information Disclosure Statement filed on May 8, 2002 in parent application serial number 09/813,103 for the Examiner's convenience and to avoid any confusion. Applicants' representative has checked the USPTO private PAIR system and confirmed this material was received in the Patent Office on May 17, 2002.

It is respectfully requested that the Examiner initialize the Ericsson Bluetooth Wireless Headset photo taken from e-mobilecenter.com web site on the attached Form 1449 and return a copy of the initialed Form 11449 attached to this communication.

The Examiner respectfully is requested to telephone the undersigned, Michael B. Lasky at (952) 253-4106, regarding any issues concerning this communication.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

By: 

Michael B. Lasky
Reg. No. 29,555
MBL/mar

Date: September 28, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bodley, et al Examiner: To be assigned
Serial No.: TO BE ASSIGNED Group Art Unit: 2642
Filed: 9/8/03 Docket No.: 00630.0320-US-D1
Title: HEADSET COMMUNICATION UNIT



CERTIFICATE UNDER 37 C.F.R. 1.10:	
'Express Mail' mailing number:	<u>EV 314777141US</u>
Date of Deposit:	<u>9/8/03</u>
The undersigned hereby certifies that this Transmittal Letter and the paper or fee, as described herein, are being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.	
By:	<u>Brenda Jurgens</u> Brenda Jurgens

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant(s) respectfully submit(s) the items of information on the enclosed Form 1449 for the attention of the Examiner in the above-identified application.

This Information Disclosure Statement is being filed within three months of the filing of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d); within three months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application; before the mailing date of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. 1.114. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of each document or other information listed on the enclosed Form 1449 is enclosed in accordance with 37 C.F.R. §1.98(a)(2) and/or a copy of each document is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in a parent application in accordance with 37 C.F.R. §.1.98(d).

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§102 and 103. In addition, Applicant(s) do(es) not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended, and reserve the right to establish otherwise under 37 C.F.R. §1.131 or others.

Consideration of the items listed is respectfully requested. According to M.P.E.P. §609, Applicant(s) request(s) that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

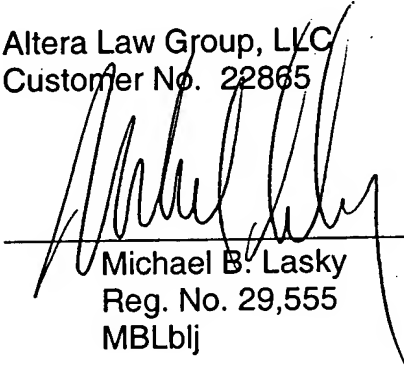
Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account Number 50-1038.

Respectfully submitted,

Altera Law Group, LLC
Customer No. 22865

Date: September 8, 2003

By:



Michael B. Lasky
Reg. No. 29,555
MBLbj


Group Art Unit
2642

[illegible][illegible][illegible]

Date Considered:

US-D1

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office
Express Mail Number: EV314777141US
Date of Deposit: 9/8/03
This is a request for filing a divisional application under 37 C.F.R. §1.53(b) of prior pending application referenced below:
Applicant: Bodley, et al
Title: HEADSET COMMUNICATION UNIT (Thor)
Serial Number: To be assigned
Filing Date: 9/8/03
Docket Number: 00630.0320-US-D1

03940 U.S. PTO
10/657513

09/08/03

- ☒ Request for Divisional Application
- ☒ Copy of patent application with 18 pages of specification, 5 pages of claims and 17 sheets of drawings, 1 abstract page
- ☒ Information Disclosure Statement, copies of PTO form 1449 from prior application
- ☒ Preliminary Amendment
- ☒ Check \$750.00 for filing fee
- ☒ Copy of Declaration/Power of Attorney
- ☒ Return postcard

MBL/BLJ

DV